

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

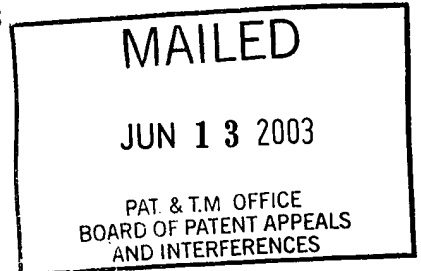
Ex parte WAYNE COHEN

Application No. 09/393,473

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 21, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 8, 1999 and December 6, 2001, appellant filed Information Disclosure Statements (Paper Nos. 2 and 13). It is not clear from the record whether the examiner considered the Information Disclosure Statements (for Paper No. 2, "European Publication No. 0,341,195 A2") submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.



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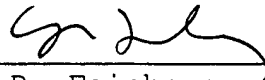
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statements (Paper Nos. 2 and 13); 2) appropriate notification by the examiner to appellant of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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CRF/tdl/mh
RA03-0356